

U.S. Department of the Interior
Bureau of Land Management
Kremmling Field Office
PO Box 68
Kremmling, CO 80459

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-LLCON02000-2013-0003-CX

CASEFILE/PROJECT NUMBER: 0501782 Authorization Number for Ritschard Cattle Co.

PROJECT NAME: Troublesome Fence Realignment

LEGAL DESCRIPTION: T. 3N., R. 80W., SE ¼ SE ¼, Sec. 27; 6th P.M. Grand County Road 2

APPLICANT Mike Ritschard, Ritschard Cattle Co.

DESCRIPTION OF PROPOSED ACTION:

Mike Ritschard has requested that an existing fence be realigned and a gate relocated to allow safer access to the BLM Antelope Pass allotment 07506. As Grand County Road 2 approaches the BLM administered lands from private lands to the east, the grade is very steep. Currently, the gate between BLM and private land is at the top of the steep grade. Realignment of the current fence would allow vehicles to turn the corner and reach the flatter top of the ridgeline before stopping to open the gate. This would provide for greater public safety and encourage the public to close the gate when livestock are in the allotment. Projected start date for the project is spring 2013.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5-3, BLM 1601.08) the following plan:

Name of Plan: Kremmling Resource Management Plan (RMP), Record of Decision (ROD)

Date Approved: December 19, 1984; Updated February 1999

Decision Number/Page: 13(a), Pg. 14

Decision Language: *"Provide access to allow multiple use management of public lands."*

The Proposed Action was designed in conformance with bureau standards and incorporates the Colorado BLM Standards for Public Land Health.

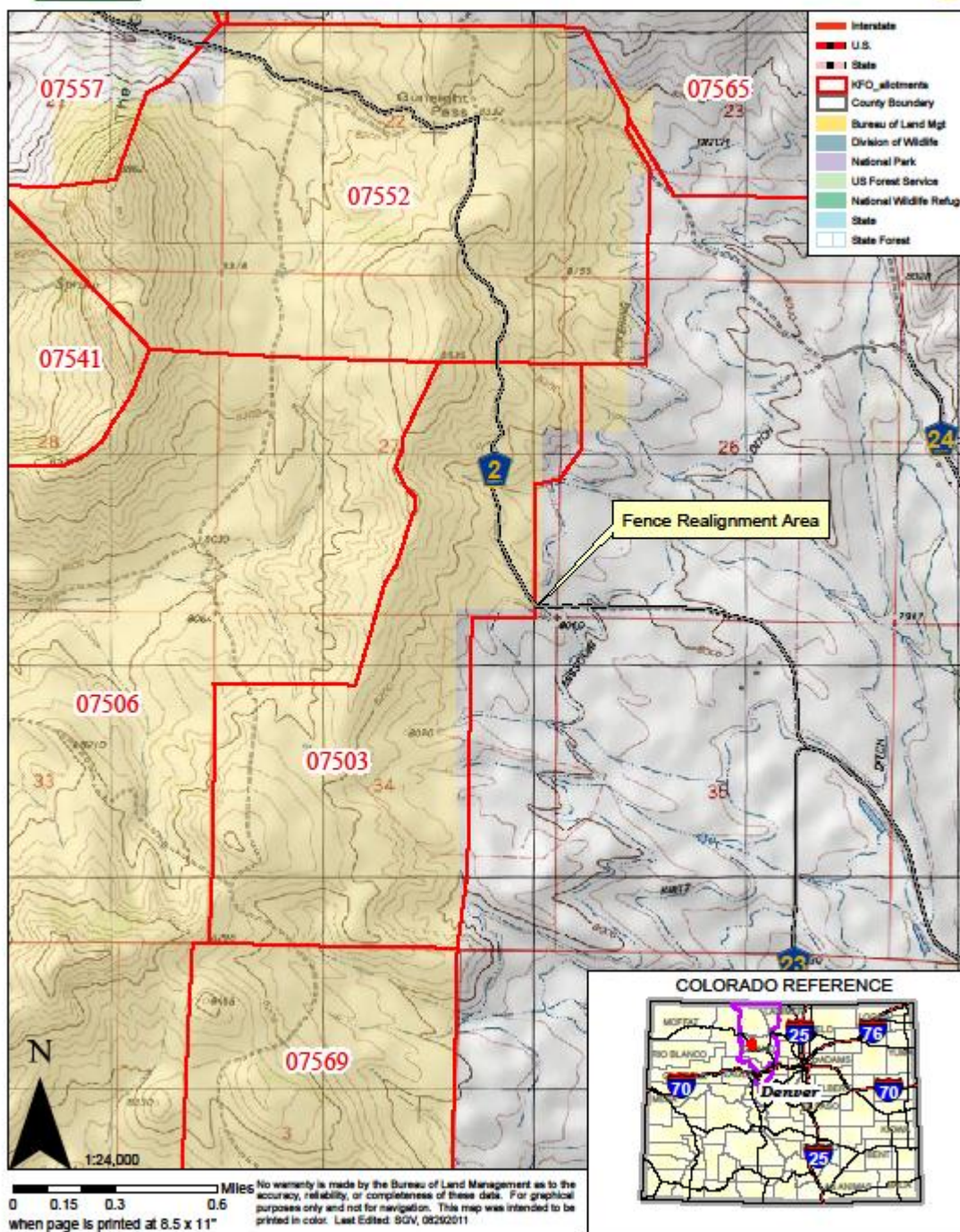


Looking back towards the Troublesome Valley





Troublesome Fence Realignment



CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, Appendix 4 Number (G) (2) : *“Installation of routine signs, markers, culverts, ditches, waterbars, gates, or cattleguards on or adjacent to roads and trails identified in any land use plan, or eligible for incorporation in such plan”*.

The Proposed Action has been reviewed with the list of extraordinary circumstances (43 CFR 46.215) described in the table below.

Extraordinary Circumstance	YES	NO
a) Have significant adverse effects on public health and safety.		X
b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		X
c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
g) Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places as determined by either the bureau of office.		X
h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.		X
i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
j) Have a disproportionately high and adverse effect on low income or minority populations		X
k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites.		X
l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.		X

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the Kremmling Field Office interdisciplinary team on 04/19/2013. A complete list of resource specialists who participated in this review is available upon request from the Kremmling Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Bill Wyatt	Archaeologist	Cultural Resources, Native American Religious Concerns	2/13/2013
Megan McGuire	Wildlife Biologist	Special Status Plant and Wildlife Species	01/07/2013

REMARKS:

Cultural Resources: A Class I inventory BLM Report #CR-13-16 was completed for the Proposed Action. The project is a no effect, there are no historic properties that would be affected.

Native American Religious Concerns: Tribal consultation was initiated on December 22, 2011, and to date no tribe has identified any traditional cultural property or are of spiritual significance.

Paleontology: Geologic formations sensitive for fossil resources are present, but would not be impacted by the proposed project. BLM standard “discovery” stipulation is part of the environmental assessment and is to be attached to any authorization allowing project to proceed.

Special Status Plant and Wildlife Species: Special Status Species would not be impacted by the proposed project.

MITIGATION: None

COMPLIANCE PLAN: On-going compliance inspections and monitoring would be conducted by the BLM Kremmling Field Office staff during and after construction. Specific mitigation developed in this document would be followed. The operator would be notified of compliance related issues in writing, and depending on the nature of the issue(s), would be provided 30 days to resolve such issues.

NAME OF PREPARER: Cynthia Landing

NAME OF ENVIRONMENTAL COORDINATOR: Susan Cassel

COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, Appendix 4 Number (G) (2). This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

SIGNATURE OF AUTHORIZED OFFICIAL: ____/s/Susan Cassel_____
Field Manager

DATE SIGNED: 4/19/13

ATTACHMENTS: None

**U.S. Department of the Interior
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DECISION RECORD

PROJECT NAME:

CATEGORICAL EXCLUSION NUMBER: DOI-BLM-LLCON02000-2013-003-CX

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-LLCON02000-2013-0003-CX, authorizing the realignment of the Troublesome Fence.

COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN

This decision is in compliance with the Endangered Species Act, and the National Historic Preservation Act. It is also in conformance with the Kremmling Field Office Decision/Approved Resource Management Plan.

PUBLIC INVOLVEMENT: The Troublesome Fence Realignment project was listed in the Kremmling Field Office NEPA register on 4/19/2013.

RATIONALE

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, G2. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

ADMINISTRATIVE REMEDIES

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor, Rocky Mountain Region, U.S. Department of Interior, 755 Parfet Street, Suite 151, Lakewood, CO 80215.

The effective date of this decision (and the date initiating the appeal period) will be the date this notice of decision is posted on BLM's Kremmling Field Office internet website.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Susan Cassel_____

Field Manager

DATE SIGNED: 4/19/13